

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE**

FROM: CAROLEE HALL

DATE: OCTOBER 31, 2013

**RE: APPLICATION FOR APPROVAL OF AN INTERCONNECTION
AGREEMENT BETWEEN QWEST CORPORATION DBA
CENTURYLINK QC ("CENTURYLINK QC") AND TELEQUALITY
COMMUNICATIONS, INC. ("TELEQUALITY");
CASE NO. QWE-T-13-06.**

APPLICATION

On October 17, 2013, this Commission received an Application from CenturyLink QC requesting approval of its Interconnection Agreement with Telequality. See Case No. QWE-T-13-06. The filing included rates, terms and conditions for interconnecting the companies' networks. The Application also included Exhibit K, which is the Performance Assurance Plan ("PAP"). The PAP is a self-executing remedy plan that provides payments for the CLEC should CenturyLink QC miss any of the performance indicators ("PID") as set out in Exhibit B of the interconnection agreement.

BACKGROUND

Under the provision of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement:

- (1) discriminates against a telecommunications carrier not a party to the agreement; or
- (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements "may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251 (b) or (c)."

Order No. 28427 at 11 (emphasis in original). This comports with the FCC's statement that "a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51]." 47 C.F.R. § 51.3.


STAFF ANALYSIS AND DISCUSSION

Staff reviewed the Application and found it to be complete. The Parties indicated that the Agreement was reached through voluntary negotiations without resorting to mediation or arbitration.

Staff believes the filing meets the terms and conditions of this Commission and is consistent with the pro-competitive policies of this Commission and the Idaho Legislature. Staff recommends that the Interconnection Agreement be approved.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall